

TTAB

# MEDEX Logistics, Inc.

*Your Medical Transportation Experts*

**36-40 37<sup>TH</sup> ST SUITE 201 LONG ISLAND CITY, NY 11101**

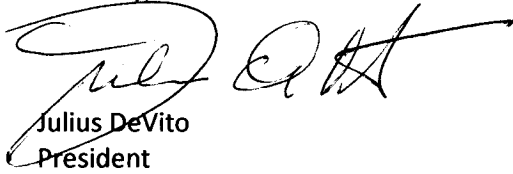
November 7, 2014

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contract Number: 571-272-8500

Opposition No: 91218806 -- 86-188, 972

An answer to the notice of opposition was mailed on November 7, 2014 in which we withdrew our application to trademark the name Medex Logistics, and a copy was sent to Mr. Filosa. Attached is another copy of our application to withdraw. Thank you.

Sincerely,



Julius DeVito  
President  
Medex Logistics, Inc.



**12-29-2014**

U.S. Patent & TMO/c/TM Mail Root Dt. #11

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

DMD

Mailed: December 20, 2014

Opposition No. 91218806

Federal Express Corporation

v.

Medex Logistics, Inc.

**Ellen M. Yowell, Paralegal Specialist:**

An answer to the notice of opposition was due in this proceeding on November 23, 2014.<sup>1</sup> Inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to extend the time to file an answer, notice of default is hereby entered against applicant pursuant to Fed. R. Civ. P. 55(a).<sup>2</sup>

Applicant is allowed until thirty days from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b)(2).

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<sup>1</sup> Opposer's October 14, 2014 filing receipt from the Board's Electronic System for Trademark Trials and Appeals (ESTTA) is noted.

<sup>2</sup> Inasmuch as applicant is in default, the parties' obligations to hold the discovery conference, and to serve initial disclosures, are effectively stayed. See TBMP § 312.01.

# MEDEX Logistics, Inc.

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November 7, 2014

Commissioner for Trademark  
P.O. Box 1451  
Alexandria, VA 22313-1451

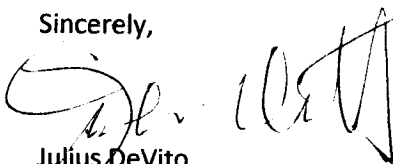
TRADEMARK TRIAL & APPEAL BOARD

Trademark Application: 86188972

The reference application was reviewed and was determined that no conflicting marks were found that would bar registration under Trademark Act Section 2. However, after the Official Gazette publication of July 22, 2014, Federal Express Corporation filed an opposition on the grounds that our mark MEDEX resembles opposer's mark FedEx and that there is only one letter different between the dominant portion of our mark(MEDEX).

We disagree that the registration of our mark would have diluted Opposer's Marks. But we do not entertain proceeding with the trial. We have therefore decided to abandon the mark and withdraw our application for registering MEDEX as a trademark.

Sincerely,



Julius DeVito  
President  
Medex Logistics, Inc.

cc: John Filosa

# MEDEX Logistics, Inc.

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November 7, 2014

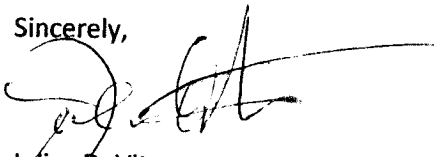
Mr. John C. Filosa  
Barker & McKenzie LLP  
300 East Randolph Street Suite 5000  
Chicago, IL 60601

Re: Use of MEDEX LOGISTICS, INC trademark, your Ref. 22276736-140686

Dear Mr. Filosa:

After careful consideration, we have withdrawn our application with the USPTO to trademark MEDEX Logistics. We will also stop utilizing the terms MEDEX, MEDEX LOGISTICS, and MEDEX LOGISTICS, Inc., so that it does not make any reference to MEDEX.

Sincerely,



Julius DeVito  
President  
Medex Logistics, Inc.

cc: USPTO